

**Notice of Allowability**

Application No.

10/762,687

Examiner

Theresa Trieu

Applicant(s)

BASSINE, STUART

Art Unit

3748

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on April 21, 2006.
2. ☒ The allowed claim(s) is/are 1 and 3-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

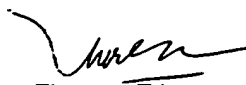
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
 Theresa Trieu  
 Primary Examiner  
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### **EXAMINER'S COMMENT**

This Office Action is responsive to the applicant's amendment filed on April 21, 2006.

Claim 1 has been amended. Claim 2 has been canceled. Accordingly, claims 1 and 3-19 are pending in this application.

Applicant's cooperation in correcting the informalities in the drawing and specification are appreciated.

#### ***Drawings***

1. The drawings were received on April 21, 2006. These drawings are acceptable.

#### ***Terminal Disclaimer***

2. The terminal disclaimer filed on April 21, 2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of the patent No. 6,749,405 has been reviewed and is accepted. The terminal disclaimer has been recorded.

#### ***Allowable Subject Matter***

3. Claims 1 and 3-19 are allowed.

The following is an examiner's statement of reasons for allowance:

- Regarding claim 1: claim 2 has been canceled in that the subject matter of the claim has already been incorporated into the independent claim 1 in the amendment filed on April 21, 2006.

- Regarding claims 6 and 8: As pointed out by applicant on page 17 in applicant's arguments (see Remarks section page 17) have overcome the cited prior art.

- Regarding claim 16: the prior art fails to disclose or render obvious the claimed combination including: a rotor mounted within the chamber defining a main and constricted

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chamber regions; reversible intake and exhaust ports alternately introduce air into and exhaust air from the chamber; at least one adjoining pair of curved vanes pivotably attached to the rotor; a protective shield attached to and extending diametrically outwardly from the rotor on either side of each vane; and a motor drives the rotor alternately in opposing first and second directions to open the vanes and define at least one compartment that transmit the gas through the chamber between the intake and exhaust ports, whereby the gas introduced through a selected one of the ports is compressed and discharged through the other port.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa Trieu whose telephone number is 571-272-4868. The examiner can normally be reached on Monday-Friday 8:30am- 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on 571-272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT  
May 12, 2006



Theresa Trieu  
Primary Examiner  
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